

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:05-CR-260-2-BO

UNITED STATES OF AMERICA)

)

v.)

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O R D E R

MELANIA CORCINO)

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This matter is before the Court on Petitioner's Motion for Writ of Prohibition and Motion for Appointment of Counsel filed on August 8, 2011 [DE 200]. The Government has filed in response a Motion to Dismiss Defendant's Pro Se Motion [DE 203].

After indictment on charges related to sex trafficking, Petitioner pled guilty and was sentenced by this Court on May 29, 2008, to a term of 60 months imprisonment. At the expiration of her sentence and prior to her release from BOP custody, the Government sought and obtained a material witness warrant for Petitioner. Petitioner had an initial appearance on her material witness warrant in the District of Connecticut on August 5, 2011, and is now in the process of being transferred to the Eastern District of North Carolina.

Petitioner raises constitutional challenges to her detainment under the material witness warrant and seeks counsel to assist her in challenging her detainer. Following her transfer to this District she will appear before a United States Magistrate Judge and at such time will have the opportunity to be appointed counsel. Accordingly, the Government's Motion to Dismiss is GRANTED and Petitioner's Motions are DENIED without prejudice. Petitioner may re-file a challenge to her detainment after she has appeared in this District and had the opportunity to

request counsel.

SO ORDERED, this 20 day of September, 2011.

Terrence W. Boyle
TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE